S.B.CIVIL WRIT PETITION NO.2597/1996 .

DATE OF ORDER : 16.02.2005.

HON'BLE MR. R.P. VYAS, J.

Mr.S.K. Nanda for the petitioner(s).
Mr.Vineet Mathur for the respondents.

It is submitted by the learned counsel for the petitioner that the controversy involved in the present writ petition is squarely covered by the decision rendered in S.B. Civil Writ Petition No. 1083/2001 decided on 21.02.2004. It is further submitted by the learned counsel for the petitioner that the said decision was challenged before the Division Bench of this Court in D.B.Civil Special Appeal (Writ) No.2976/04 {DR(J)}. The Division Bench vide order dated 02.12.2004 dismissed the appeal filed by the Union of India and upheld the order dated 21.2.2004 passed by the learned Single Judge.

This fact is not controverted by the learned counsel Mr. Vineet Mathur appearing on behalf of the respondents.

In view of the submissions made by the learned counsel for the parties as well as the fact that the controversy involved in the present writ petition has already been set at rest by this Court, the writ petition is allowed. The impugned orders Annexures P/5 and P/10 are set aside and the

respondents are directed to forthwith release disability pension to the petitioner.

(R.P.VYAS)J.

Anil